

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PERRY COOK,

Petitioner,

Civil No. 05-09-AS

ORDER

v.

ALBERTO GONZALES, acting
Attorney General, United States
Department of Justice; CHARLEY
DANIELS, Superintendent, FPC
Sheridan; and the UNITED STATES
BUREAU OF PRISONS,

Respondents.

ASHMANSKAS, Magistrate Judge.

Petitioner, an inmate at FPC Sheridan, brings this habeas corpus action pursuant to 28 U.S.C. § 2241. On April 5, 2005, this court issued an Opinion and Order granting the Petition for Writ of Habeas Corpus. On April 11, 2005, Respondent filed a Motion for Reconsideration. That date, the court issued an order granting the motion to reconsider, but affirming the Opinion and

Order as issued. Currently before the court is Petitioner's Response to Respondent's Motion for Reconsideration; Motion for Order to Show Cause Why Respondents Should Not Be Held in Contempt; Request for Injunctive Relief and Financial Sanctions; and Request for Immediate Hearing (#22). By way of relief, Petitioner seeks an order requiring Respondents to transfer Petitioner to a CCC forthwith, requiring Respondents and the counsel to show cause why they should not be held in contempt, and requiring Respondents to reimburse all attorney fees and expenses incurred by Petitioner in pursuing relief through this proceeding.

As noted, the court previously granted Respondent's motion to reconsider, and upon reconsideration affirmed the Opinion and Order as issued. Under the terms of the Opinion and Order, Respondents are required to consider the appropriateness of transferring Petitioner to a community confinement center in light of the factors set forth in § 3621(b) and any additional factors deemed appropriate by the BOP. The court expects Respondents will heed the terms of the Opinion and Order in exercising their discretion. Accordingly, Petitioner's request for an order requiring his immediate transfer to a CCC is DENIED, as is his request for an order requiring Respondents and their counsel to

///


///

///

show cause why they should not be held in contempt and his request for attorney fees and expenses.

IT IS SO ORDERED.

DATED this 14 day of April, 2005.



Donald C. Ashmanskas
United States Magistrate Judge